

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER: 9:03-cv-81110-CIV-HURLEY/HOPKINS

MAUREEN STEVENS, as Personal
Representative of the Estate of
ROBERT STEVENS, Deceased, and
on behalf of MAUREEN STEVENS,
Individually, NICHOLAS STEVENS,
HEIDI HOGAN and CASEY STEVENS,
Survivors

Plaintiffs

vs.

UNITED STATES OF AMERICA

Defendant

/

The Videotaped deposition of STEPHEN LITTLE
was held on Tuesday, June 7, 2011, commencing at 2:06
p.m., at USAMRIID, 1520 Freedman Drive, Second Floor,
MWR Conference Room, Fort Detrick, Maryland 21702,
before Robert A. Shocket, Notary Public.

**U.S. EXHIBIT
PC-14**

REPORTED BY: Robert A. Shocket

1 MS. JIROUSEK-WINT: Sarah Jirousek-Wint,
2 FBI.

3 MR. MILLER: Jeffrey Miller, Fort Detrick,
4 Maryland. Major Maloney is also here for The United
5 States Army, Legal Services Agency, Litigation
6 Division, by telephone.

7 MR. STEVENS: Morgan Stevens with The
8 Department of Justice.

9 MS. EDWARDS: Stacy Edwards, Department of
10 Justice.

11 VIDEOGRAPHER: Please administer the oath.
12 Whereupon,

13 STEPHEN LITTLE,
14 called as a witness, having been first duly sworn to
15 tell the truth, the whole truth, and nothing but the
16 truth, was examined and testified as follows:

17 EXAMINATION BY MR. SCHULER:

18 Q Would you state your name, please.

19 A Stephen Little.

20 Q What is your address?

21 A [REDACTED] [REDACTED]

22 [REDACTED].

23 Q What is your date of birth, Mr. Little?

24 A [REDACTED]

25 Q Are you presently employed?

1 THE WITNESS: I'll leave it at that for
2 now.

3 MR. TARANTO: Okay.

4 BY MR. SCHULER:

5 Q Okay. Let's talk about the breakdown of
6 that. Why do you say he wouldn't have the skill to
7 have dried the anthrax?

8 A He's never done it before, to my knowledge.
9 I have never seen it done before in the Institute. The
10 piece of equipment that the FBI identified initially as
11 a lyophilizer sits outside my laboratory in B5.
12 There's no way that he could by himself pushed that
13 thing down to BSL3, put it in the airlock, take it out
14 of the airlock, push it town to a laboratory. The
15 thing is as big as a refrigerator. He would have had
16 to pick it up, that part, to prevent contamination of
17 the entire suite. He could not have done that and put
18 that part in a biological safety cabinet. It's too
19 big.

20 And to reverse it back the other way, he
21 would have had to put it in airlock, schedule the
22 decon, which people would, you know, want to know, it
23 had been done on the weekend, they don't decon things
24 on weekends. They'd have to clear the airlock before
25 it could be moved out. Then you would have to move it

1 back down to where it was from our laboratory. It
2 would have been rather difficult to do.

3 Q Let me give you a hypothetical here. What
4 if he had help doing it?

5 A No.

6 Q It may seem farfetched to you but --

7 A No. No. No.

8 Q And why wouldn't you entertain that?

9 A Because you still need a decon.

10 Q And when you say decon you're talking about
11 decon means what?

12 A Decontamination of the equipment so that
13 you can destroy all living organisms, specifically
14 spores associated with the lyophilization.

15 Q And when you say decon -- and you have to
16 pardon me because I haven't personally seen this
17 equipment obviously, other than maybe in some
18 photographs. But is there some type of a filter
19 associated with this lyophilizer that you're saying
20 would have been contaminated by the spores?

21 A It's possible, yes. When you take
22 something into the hot suite anything that comes out
23 has to be deconned out if there was a possibility of
24 that piece of equipment just being in the suite of
25 being contaminated. And if you're, theoretically if

1 you can freeze down that amount of material and dry it
2 in such a short period of time it would have been
3 almost impossible, just, and that is, but **the**
4 **decontamination, those records would have been**
5 **associated with building engineers. You would have had**
6 **records of that decon occurring.**

7 Q Is a decon performed by the cleaning people
8 as opposed to the scientists?

9 A Building engineers, not cleaning people.

10 Q Okay. I'm sorry, the cleaning -- the
11 building engineers. And are they scheduled to do this
12 on a periodic, regular basis?

13 A You schedule with them to set it up.

14 Q I see. So what you're saying is -- I'm
15 just trying to understand what you're explaining to me
16 here as a nonscience person. What you're saying is
17 that even had Dr. Ivins been able to get this large
18 piece of machinery into the space that you say it would
19 have been extremely difficult for him to get it into
20 that he would have had to have scheduled
21 decontamination with the building engineers and it
22 would have been noted that there was anthrax
23 contamination; is that what you're saying?

24 A No. **Just scheduling the decon would have a**
25 **paperwork trail associated with it.**

1 Q I, I see what you're saying. Okay. So had
2 he done that there would have been that existing paper
3 trail?

4 A Yes.

5 Q And you don't think he could have
6 decontaminated on his own?

7 A No.

8 Q Why not?

9 A Equipment is not available to him. He
10 needs the, I think it's a paraformaldehyde. He needs
11 the equipment to heat it up. He needs to be able to
12 seal the doors and to start the timer and being able to
13 finish it before, and, you know, people show up and
14 then you've got to clear the air and it takes safety to
15 do that. No.

16 Q Just wouldn't have the time without being
17 noticed?

18 A Um, yeah. That would be one aspect of it,
19 yes.

20 Q What other reasons? I want to explore the
21 basis for your opinion. What other reasons do you feel
22 that Dr. Ivins wasn't the perpetrator?

23 A I don't think he had a motive.

24 Q There have been several motives that have
25 been cited by the FBI. One had to do with his being

1 the longest that we've talked with -- why you don't
2 think that Dr. Ivins could have done it and you've
3 given us some reasons for that. So I'm interested in
4 exploring that. And are there any other reasons?
5 You've given us, you know, some, some significant ones
6 but --

7 A I don't think he had the knowledge of how
8 to do it. We, um, to my knowledge it had never been
9 discussed in our group. He had never discussed
10 anything similar in that direction to me. Most of the
11 work that we had been doing was vaccine development.
12 We didn't have the equipment to do the aerosol sprays.
13 It was all, you know, liquid. You know, unless there's
14 evidence that is being sat on by the FBI, I don't see
15 how he could have done it at USAMRIID.

16 Q Well, let me ask you this. What if --
17 well, let me, let me ask it this way. Do you think Dr.
18 Ivins if he was able to get a portion of anthrax
19 outside of the USAMRIID building would have the
20 capability to, and the machinery, the, I guess the lab
21 equipment, to be able to do this outside the USAMRIID
22 facility?

23 A Wow. No. Um, no. He, I don't know -- **he**
24 **would have to have a lab.** **He would have to have major**
25 **protective equipment.** He would have to have -- no, I

1 don't see how he could have done that.

2 Q Now, and I think you did answer me earlier
3 when I asked you if you read the FBI report, that you
4 did, right?

5 A In portions.

6 Q Okay. Were you surprised at anything in
7 the report and specifically seeing the number of
8 e-mails that were cited that went from Dr. Ivins to
9 co-workers there?

10 MR. TARANTO: Object to form. Answer if
11 you can, please.

12 A Bruce wrote a lot of e-mails. I was, you
13 know, I received some. Am I surprised? No. I mean
14 no.

15 Q Okay. Was he in the habit of sending
16 e-mails to people, personal e-mails of one sort or
17 another?

18 A I don't know about personal e-mails. I
19 mean he e-mailed me things but I, I never looked at it
20 as, you know, personal, I mean.

21 Q It was mostly business as far as you were
22 concerned?

23 A Jokes.

24 Q Jokes, yeah.

25 A And business.

1 A Uh-huh.

2 Q Any other bases for your opinion, Mr.
3 Little?

4 A No, I think I've pretty much --

5 Q Okay. Covered the waterfront, that's fine.
6 Now, you said you are still at USAMRIID, right?

7 A Yes.

8 Q Are you planning on being here for a while
9 or retiring soon or --

10 A As long as they'll keep me.

11 Q So counting your time with the, as a normal
12 control you've been here, well, thirty --

13 A A little over forty years.

14 MR. SCHULER: Forty years, yeah. I don't
15 think I have any additional questions for you, Mr.
16 Little.

17 MR. TARANTO: If we can go off record
18 briefly I may have a few for you but not many.

19 VIDEOGRAPHER: Going off the video record.
20 The time is 3:23.

21 (There was a break in the proceedings.)

22 VIDEOGRAPHER: We're back on the video
23 record. The time is 3:35 p.m.

24 EXAMINATION BY MR. TARANTO:

25 Q Mr. Little, previously you mentioned a

1 lyophilizer and the process for decontamination. Given
2 the number of, given the volume of spores that are
3 reported from the letters, how much of a process would
4 it, would be involved with the decontamination? Is it
5 a quick run-through, one time? Is it more than that?
6 Is it -- if you can give us some sort of feel for that.

7 A Never having done it myself, I understand
8 what happens is they do a decon overnight. The
9 following morning they clear the room, meaning the gas
10 is evacuated. Then they check to make sure that it is
11 deconned. They have some sort of device in there to
12 make sure that everything went as it was supposed to.
13 And then it's cleared for being removed from the
14 airlock.

15 Q Is the machine sent out of a suite or area
16 from which it's located for that process or is it that
17 decontamination occurs where the machine is situated?

18 A The decon occurs in the airlock of that
19 suite.

20 Q You mentioned having gone on TDYs with Dr.
21 Ivins and then seeing him daily at work and seeing him
22 on very, very rare social occasions outside of work.
23 Did you ever notice or observe Dr. Ivins having any
24 problem with alcohol consumption?

25 A No.

1 A No. Not that I know.

2 Q Pardon?

3 A Not that I know. O.

4 Q No, you have no opinion or --

5 A No, I, I wouldn't know of anybody. I -- to
6 me it's just inconceivable. Maybe I'm too naive.

7 Q And why is it inconceivable to you?

8 A I don't know anybody there that would have
9 or ever expressed any direction in that way at all.

10 Q Okay.

11 A I mean just nobody talked like that.

12 Q Okay. Do you know of anyone who had the
13 expertise at USAMRIID to create, mass produce the
14 spores and create dry spores for use in biological
15 terrorism?

16 A Not large quantities at USAMRIID, no.

17 Q You may recall from the FBI investigative
18 -- or let me withdraw that. From the FBI investigative
19 summary do you recall some reference to Dr. Ivins
20 working in the Web after hours or at nights and on
21 weekends?

22 A Yes.

23 Q Does a practice of a scientist at USAMRIID
24 working after hours late at nights or on weekends raise
25 suspicion about their conduct?

1 State of Maryland

2 Baltimore County, to wit:

3 I, ROBERT A. SHOCKET, a Notary Public of
4 the State of Maryland, County of Baltimore, do hereby
5 certify that the within-named witness personally
6 appeared before me at the time and place herein set
7 out, and after having been duly sworn by me, according
8 to law, was examined by counsel.

9 I further certify that the examination was
10 recorded stenographically by me and this transcript is
11 a true record of the proceedings.

12 I further certify that I am not of counsel
13 to any of the parties, nor in any way interested in the
14 outcome of this action.

15 As witness my hand and notarial seal this
16 17th day of June, 2011.

17

18

19

20 Robert A. Shocket

21 Notary Public

22

23

24 My Commission Expires:

25 November 23, 2014